

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST;
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY; and
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation; and McKESSON
CORPORATION, a Delaware corporation,

Defendants.

C.A. No. 1:05-CV-11148-PBS

**CLASS PLAINTIFFS' AND FIRST DATA BANK'S JOINT MOTION FOR ENTRY OF
AN ORDER (a) GRANTING PRELIMINARY APPROVAL OF THE FIRST DATA
BANK SETTLEMENT, (b) CERTIFYING A CLASS FOR PURPOSES OF
SETTLEMENT, (c) DIRECTING ISSUANCE OF NOTICE TO THE CLASS; and (d)
SCHEDULING A FINAL FAIRNESS HEARING**

Class plaintiffs and defendant First Data Bank, Inc., ("FDB"), jointly move for entry of an order granting preliminary approval of the proposed settlement, certifying a class for settlement purposes, approving the form and manner of notice and scheduling a date for the final fairness hearing.

In support of this motion, class plaintiffs rely upon the following documents:

- (1) Class Plaintiffs' Memorandum of Law in Support of Joint Motion for Preliminary Approval of Proposed First DataBank Class Settlement, Certification of Settlement Class and Approval of Notice Plan;
- (2) Attachment A to Class Plaintiffs' Memorandum of Law in Support of Motion Joint Motion for Preliminary Approval of Proposed First DataBank Class Settlement, Certification of Settlement Class and Approval of Notice Plan;

- (3) Attachment B to Class Plaintiffs' Memorandum of Law in Support of Motion Joint Motion for Preliminary Approval of Proposed First DataBank Class Settlement, Certification of Settlement Class and Approval of Notice Plan – FILED UNDER SEAL;
- (4) Declaration of Thomas M. Sobol in Connection with Motion for Preliminary Approval of Settlement as to Defendant, First Databank, Inc Only - FILED UNDER SEAL;
- (5) Motion for Leave to File Certain Documents Under Seal;
- (6) The Settlement Agreement and Release between Class counsel and First Databank, Inc, dated August 7, 2006 (filed herewith);
- (7) Exhibit A to the Settlement Agreement, (listing the NDCs for Pharmaceutical products subject to adjustment provisions in the Settlement Agreement);
- (8) Exhibit B to the Settlement Agreement, Settlement Notice- Notice of Pendency and Proposed Settlement of Class Action and Settlement Hearing;
- (9) Exhibit C to the Settlement Agreement, Summary Notice for Publication;
- (10) Exhibit D to the Settlement Agreement, Proposed Order Granting Preliminary Approval of the First Databank, Inc. Settlement, Certifying Class for Purposed of Settlement Only, Directing Notice to The Class and Scheduling a Fairness Hearing;
- (11) Exhibit E to the Settlement Agreement, Final Order and Judgment Certifying The Class for Purposed of Settlement, Approving of Class Action Settlement, and Dismissing the Action with Prejudice;
- (12) Declaration of Katherine Kinsella (in connection with proposed form of notice to consumers and third party payors and [Proposed] Notice Plan);
- (13) Declaration of Raymond S. Hartman (relating to estimation of cost savings relating to the rollback on the Rollback Drugs);
- (14) Declaration of Steve W. Berman in Support of Plaintiff's Motion for Class Certification and in Support of Motion to file First Amended Complaint (filed July 17, 2006 [Docket #91]);
- (15) Declaration of Susan A. Hayes in Support of Plaintiffs' Motion for Class Certification (filed on July 17, 2006, [Docket #78]);
- (16) Declaration of Raymond S. Hartman in Support of Plaintiffs' Motion for Class

Certification (filed on July 17, 2006, [Docket #77]); and

- (17) [Proposed] Settlement Notice Program.

DATED: October 4, 2006

By /s/ Thomas M. Sobol

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on October 4, 2006.

/s/ Thomas M. Sobol
Thomas M. Sobol